

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

TESTIMONY OF MARSHALL JONES, ASSISTANT DIRECTOR FOR INTERNATIONAL AFFAIRS, U.S. FISH AND WILDLIFE SERVICE BEFORE THE HOUSE RESOURCES SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS ON H.R. 1934, THE MARINE MAMMAL RESCUE ASSISTANCE ACT OF 1999 AND H.R. 529.

June 10, 1999

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to discuss H.R. 1934, the Marine Mammal Rescue Assistance Act of 1999, and H.R. 529, a bill to direct the U.S. Fish and Wildlife Service (Service) to approve a particular permit for the import of certain wildlife items taken in Tajikistan. I will discuss H.R. 1934 first and then comment on H.R. 529.

H.R. 1934

The Department of the Interior appreciates the invitation to testify on H.R. 1934. We share the views of the Department of Commerce and will defer to their testimony in articulating the Administration's position on the bill. The following is a brief description of the activities of the Service related to strandings of marine mammals under our jurisdiction.

As you know, the Marine Mammal Protection Act (MMPA) established a Federal responsibility for the management and conservation of marine mammals. Under this statute, both the Secretary of the Interior and Secretary of Commerce have management responsibility. Specifically, the Secretary of the Interior, through the Service, protects and manages polar bears, sea and marine otters, walruses, three species of manatees, and dugong.

The Marine Mammal Health and Stranding Response Act of 1992 (Title IV of the MMPA) authorizes actions by the Department of Commerce and of the Interior in response to stranding (or beaching) of marine mammals. To carry out its duty, the Service has provided consultations to National Marine Fisheries Service (NMFS) on issues related to species under our jurisdiction. We participated with NMFS in the development and issuance of the "National Contingency Plan for Response to Unusual Marine Mammal Mortality Events." With respect to endangered West Indian manatees in Florida, we developed in 1998 the document entitled, "Contingency Plans for Catastrophic Rescue and Mortality Events for the Florida Manatee and Marine Mammals," along with NMFS, the Florida Department of Environmental Protection, and the National Aquarium in Baltimore.

H.R. 529

H.R. 529 would require the Service to issue a particular Endangered Species Act (ESA) permit for the import of a sport-hunted wildlife trophy taken in the Republic of Tajikistan in 1995 even though that permit is not now authorized by law. This particular permit application is one of 14 essentially identical

applications that the Service rejected, all for the same reasons. While we appreciate the situation of U.S. hunters who are seeking to import sport-hunted trophies taken in Tajikistan during its civil unrest, the Administration is not able to support the provisions of H.R. 529 for the reasons outlined below.

The Service has responsibility under a number of statutes to regulate the import of wildlife and their parts and products into the United States. Under this authority, the Service issues over twelve hundred import permits for sport-hunted trophies annually, where the necessary biological and legal findings can be made. In the case of species listed as threatened under the ESA, the Service must find that allowing the import significantly contributes to the conservation of the species. That is the case with the Argali (*Ovis Ammon*), a species of wild sheep similar to our Bighorn Sheep, and a highly regarded trophy species, which is listed under the ESA. Historically, the Argali was distributed in rugged mountainous terrain throughout much of Asia. Today, although the original habitat has been reduced, there are a number of subspecies of Argali sheep distributed in available habitats in the former Soviet Republics of Kazakhstan, the Kyrgyz Republic, Tajikistan and Uzbekistan, and in Southern Siberia, Mongolia, China (including Tibet), Nepal, and portions of Afghanistan, India, and Pakistan.

Effective January 1, 1993, all Argali sheep except those occurring in Tajikistan, the Kyrgyz Republic, and Mongolia were listed as endangered under the Endangered Species Act. For these three countries where Argali sheep are considered threatened but not endangered, the listing included a special rule that allowed for the import of sport-hunted trophies under certain conditions. It is important to note that one of the main reasons these populations were classified as threatened and not endangered under the ESA was the protection provided by this special rule, to encourage Argali sheep conservation by regulating the import of sport-hunted trophies into the United States.

The special rule allows for the import of Argali sheep trophies without a permit if certain conditions in the range country are met, or with an ESA permit if the range country can demonstrate that sport hunting provides enhanced conservation for the species. To date, none of the range countries have programs in place to meet the management criteria required in the special rule to allow imports without an ESA permit. However, the Service has been able to allow imports on a permit-by-permit basis from each of the three Argali sheep populations covered by the special rule. The Service reviews its findings annually and reaffirms that allowing import of a limited number of trophies continues to contribute substantially to the conservation of the species.

The Service was able to make the necessary findings to allow imports of sport hunted trophies of Argali sheep from Mongolia beginning in 1993, and for the Kyrgyz Republic in 1994. The Service was not able to make the necessary findings for Tajikistan to allow the import of sport hunted trophies until the fall of 1996, for the 1996-1997 hunting season, due to many factors occurring in the country before 1996.

The breakup of the former Soviet Union in 1992 resulted in civil war and a serious economic crisis in Tajikistan. Shortly after the promulgation of the special rule in 1993, the Service began receiving applications for imports of Argali sheep sport-hunted trophies from Tajikistan. After receiving the first applications the Service began a concerted effort to obtain information from the government of Tajikistan, the Russian management authority and others concerning the conservation status of Argali sheep in Tajikistan.

All the information available to the Service at that time confirmed that, due to the civil war, there was no organized management program in place, and that the central government had no management controls in the areas occupied by Argali sheep. There was evidence that hunting did take place during 1993 and again in

1995 in parts of the country where there was limited fighting. However, this hunting was not under a government controlled program. The period of civil unrest began to stabilize toward the end of 1995.

In early 1996, the Service received its first information directly from the Tajikistan government since the Argali sheep was listed. The agreement conceded that the management actions necessary to have a sustainable hunting program for this species had been ineffective -- for example they failed to transfer hunting proceeds, control poaching or conduct the necessary surveys -- however, the government had re-established stricter controls and plans were underway to develop an effective program for the 1996 hunting season.

Based on the information available to the Service, and confirmed by the new government, the Service was unable to determine that the import of sport hunted Argali sheep taken prior to the 1996 hunting season would enhance the conservation of the species, and denied a total of 14 applications for trophies taken in the 1993 and 1995 seasons. One of these applications is the one that H.R. 529 would direct us to approve. No applications were received for the 1994 season.

The government of Tajikistan provided the Service with additional information during 1996, including a copy of their existing wildlife laws, an outline of the new management program for Argali sheep, a program for surveying Argali sheep populations, and information to indicate that funds derived from sport hunting would be used in a shared program with local governments and land managers to benefit Argali sheep populations by regulating land use and poaching. The information indicated that an annual hunting quota was established and a system of permit controls was established through the CITES Secretariat in cooperation with the management authority of Russia.

While there was still some civil unrest in the country, the areas of the Argali sheeps' range were considered stable, and under a management program controlled by local authorities, and monitored by the government. Based on this information, the Service concluded that if implemented effectively, this program would significantly enhance the conservation of this species in Tajikistan for the 1996 hunting season and subsequently issued 32 permits. Twenty three trophies were imported. The Service has continued to monitor the program in Tajikistan annually and has been able to make the necessary finding to approve imports for the 1997 and 1998 seasons. The Service has also initiated an on-the-ground survey in Tajikistan for the fall of this year to collect additional information on the status of Argali sheep and the progress of their management program.

The Service fully supports sustainable use programs that directly contribute to the conservation of the species and considers the opportunities provided through the enhancement finding as a significant tool to help encourage the conservation of foreign listed species. Since the ESA provides little direct benefit for foreign listed species, this program, used wisely, can provide much-needed incentives for the development of conservation programs that support local communities to encourage the protection and management of threatened species. It is critical to maintain the biological integrity of these findings to ensure the successful implementation of enhancement permits as a conservation tool. Due to these factors, the Service had to deny 14 permits for sport hunted Argali sheep trophy taken in 1995, including the permit referenced in H.R. 529.

If Congress passes this bill, the Service would issue the permit as instructed under the legislation. However, the Administration does not support efforts by Congress to legislate permit approvals, since permit approval processes are based on sound science that reflects the conservation needs of the species. For this reason, the Administration is not able to support H.R. 529.

I appreciate the opportunity to testify on H.R. 1934 and H.R. 529 and would be happy to answer any questions.

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